

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

WINKLEVOSS CAPITAL FUND, LLC, :

18-cv-8250 (JSR)

Plaintiff :

v.

:

CHARLES SHREM,

:

Defendant.

-----X

**[PROPOSED] ORDER GRANTING DEFENDANT CHARLES SHREM'S
FED.R.CIV.P. 12b(1) AND 12(b)(6) MOTIONS TO DISMISS**

BRIAN E. KLEIN
BAKER MARQUART LLP
777 S. Figueroa Street, Suite 2850
Los Angeles, California 90017
(424) 652-7800

Attorneys for Defendant Charlie Shrem

[PROPOSED] ORDER

The Court, having considered Defendant Charles Shrem's ("Shrem's") Motions to Dismiss pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), and all papers filed in connection therewith; good cause appearing, the Court GRANTS:

1. Shrem's Motion to Dismiss pursuant to Federal Rule of Civil Procedure 12(b)(1) for lack of subject matter jurisdiction without leave to amend; [or]
2. Shrem's Motion to Dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim for relief, and dismisses Plaintiff's Complaint with prejudice.

IT IS SO ORDERED.

Dated:

JED S. RAKOFF
United States District Judge